

ASSEMBLY BILL

No. 462

Introduced by Assembly Member Stone

February 19, 2013

An act to add Section 13113.11 to the Health and Safety Code, relating to fire protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 462, as introduced, Stone. Fire protection: residential care facilities for the elderly.

Existing law establishes the State Fire Marshal within the Department of Forestry and Fire Protection and sets forth its duties, including, but not limited to, administering provisions relating to inspection and approval of fire protection measures for health and community care facilities.

Existing law, with certain exceptions, prohibits a person, firm, or corporation from establishing, maintaining, or operating any hospital or other specified care facility for more than 6 guests or patients, and prohibits the operation of a residential care facility for the elderly housing non ambulatory persons that is licensed to care for more than 6 persons, unless it has, among other things, an automatic fire sprinkler or extinguishing system approved by the State Fire Marshal. Existing law generally places responsibility for enforcing State Fire Marshal building standards upon prescribed local agencies and provides for the assessment of related inspection fees. Violation of provisions related to fire protection requirements is a crime.

This bill would require a residential care facility for the elderly or adult residential facility, as defined, that has a valid license as of January 1, 2014, to have installed and maintained on and after January 1, 2016,

an operable automatic fire sprinkler system approved by the State Fire Marshal. The bill would require a residential care facility for which a license is newly issued on or after January 1, 2016, to have an approved, operable automatic fire sprinkler system. The bill would also provide that if the facility does not own the property the landlord shall determine all phases of construction, and the facility shall pay all costs including permit fees, cost of design and construction, and tenant relocation costs. The bill would limit specified inspection fees related to the sprinkler systems. The bill would require, by January 1, 2015, the State Fire Marshal to adopt regulations to implement the above provisions. By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known as the Residential Care
- 2 Facility Fire Safety Act of 2013.
- 3 SEC. 2. Section 13113.11 is added to the Health and Safety
- 4 Code, immediately following Section 13113.09, to read:
- 5 13113.11. (a) As used in this section, “residential care facility”
- 6 means a residential care facility for the elderly, as defined in
- 7 Section 1569.2, or an adult residential facility, as defined in Section
- 8 80001(a)(5) of Title 22 of the California Code of Regulations, that
- 9 is licensed to care for not more than six residents.
- 10 (b) Every residential care facility for the elderly and adult
- 11 residential facility that has a valid license as of January 1, 2014,
- 12 shall have installed and maintained on and after January 1, 2016,
- 13 an operable automatic fire sprinkler system approved by the State
- 14 Fire Marshal that meets nationally recognized standards for the
- 15 installation of sprinkler systems in one- and two-family dwellings
- 16 and manufactured homes, as approved by the State Fire Marshal
- 17 and adopted as a building standard by the California Building
- 18 Standards Commission. The State Fire Marshal shall approve the

1 standard by December 31, 2014. Notwithstanding Section 13143.5,
2 a local jurisdiction shall not require a sprinkler system that exceeds
3 this standard by amending the standard or applying standards other
4 than the standard approved by the State Fire Marshal.

5 (c) Every residential care facility for which a license is newly
6 issued after January 1, 2016, shall have installed and maintained
7 an operable automatic fire sprinkler system approved by the State
8 Fire Marshal that meets the nationally recognized standard
9 approved by the State Fire Marshal and adopted as a building
10 standard by the California Building Standards Commission for the
11 installation of sprinkler systems in one- and two-family dwellings
12 and manufactured homes. The State Fire Marshal shall approve
13 the standard by December 31, 2014. Notwithstanding Section
14 13143.5, a local jurisdiction shall not require a sprinkler system
15 that exceeds this standard by amending the standard or applying
16 standards other than the standards approved by the State Fire
17 Marshal.

18 (d) For purposes of complying with subdivisions (b) and (c),
19 the following shall apply:

20 (1) A landlord or his or her agent shall determine all phases of
21 construction, including selection of a contractor, improvements,
22 and design.

23 (2) At least one year prior to complying with this section, the
24 residential care facility shall pay the landlord or his or her agent
25 all costs associated with compliance with this section, including
26 permit fees, cost of design and construction, and tenant relocation
27 costs.

28 (e) By January 1, 2015, the State Fire Marshal shall adopt
29 regulations to implement this section. These regulations shall
30 address those fire safety features no longer required of a licensee
31 after an operable automatic fire sprinkler system is installed and
32 maintained. The State Fire Marshal shall ensure that any regulation
33 developed pursuant to this section, including any future changes
34 to this section or to the standard required by this section, will be
35 reflected accurately within the California Code of Regulations.

36 (f) A public or private water agency shall not interpret this
37 section as changing the status of a residential care facility from a
38 residence entitled to residential water rates and as requiring that a
39 new meter or larger connection pipe be installed at a facility.

1 (g) The fee imposed by a local fire marshal for plan review or
2 installation inspections of a fire sprinkler system required by this
3 section shall not exceed two hundred dollars (\$200).

4 (h) If the installation of a fire sprinkler system is the sole
5 renovation, the fee imposed for a local building inspection shall
6 not exceed two hundred dollars (\$200).

7 (i) Local government units are encouraged to work together to
8 minimize the number of preinstallation and postinstallation
9 inspections and minimize fees imposed on a residential care facility
10 for the elderly.

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the penalty
16 for a crime or infraction, within the meaning of Section 17556 of
17 the Government Code, or changes the definition of a crime within
18 the meaning of Section 6 of Article XIII B of the California
19 Constitution.